



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2027

DATE SCANNED 1-11-10

SCANNER NO. 2

SCAN OPERATOR JMP

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 30, 2009

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: ROBERT A. HICKEY  
STAFF DIRECTOR

FROM: JOHN D. GIBSON  
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER/SARI PICKERALL  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2008 12 DAY PRE-  
GENERAL REPORT (UNAUTHORIZED QUARTERLY FILERS) AND  
30 DAY POST-GENERAL REPORT (UNAUTHORIZED/AUTHORIZED  
FILERS) FOR THE ADMINISTRATIVE FINE PROGRAM

Attached are three lists of political committees and their treasurers who failed to file or timely file the 2008 12 Day Pre-General and/or the 2008 30 Day Post-General Report(s) in accordance with 2 U.S.C. 434(a). The first list is comprised of unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2008 through October 15, 2008, and failed to file or timely file the 2008 12 Day Pre-General Report. The second list is comprised of unauthorized committees that failed to file or timely file the 2008 30 Day Post-General Report. The third list is comprised of authorized committees of candidates who participated in the November 4, 2008 General Election that failed to file or timely file the 30 Day Post-General Report.

The committees appearing on the 2008 12 Day Pre-General Report list either filed the report more than five (5) days after the due date but prior to four (4) days before the 2008 General Election (considered a late filed report), or failed to file the report prior to four (4) days before the General Election (considered a non-filed report). The committees appearing on the 30 Day Post-General Report list either failed to file the report, filed the report more than five (5) days after the due date but within thirty (30) days of the due date (considered a late filed report),

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or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. 111.43, these committees should be assessed the civil money penalties indicated in the attachments.

As noted above, the 2008 12 Day Pre-General Report circulation list includes unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2008 through October 15, 2008, but failed to file or timely file the 2008 12 Day Pre-General Election report. In order to accurately identify these committees for administrative fine purposes, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 12 Day Pre-General Report (12G) submitted by an unauthorized quarterly filer was reviewed to ensure that it disclosed General Election contributions or expenditures made during the coverage dates of the report. Any report meeting this definition that was filed late is included in the list. Any report not disclosing general election contributions or expenditures during this period is not included in the list, as it is not a required filing.
- Every 30 Day Post-General Report (30G) submitted by an unauthorized quarterly filer that covered the period from October 1, 2008 through November 24, 2008 (55 days) was reviewed for activity which would have required the filing of a 12G. If our research indicated that a 12G was required, we utilized a three-step method to arrive at the activity on which to base the 12G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 12G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 27% (15 days (12G Filing Period)/55 days (30G Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 12G. If the same committee also failed to file the 30G in a timely manner, we based the 30G fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the level of activity assigned to the 12G from the total amount of activity disclosed on the 30G. In this case, the committee will appear on both lists and will be assessed a fine for both the 12G and 30G based on the estimated levels of activity described above.

### **Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Reports violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Reports.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2008 PRE-GENERAL Election Sensitive 10/23/2008 UNAUTH\_Q

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1956	C00213231	A DUDA & SONS, INC. POLITICAL ACTION COMMITTEE	TRACY DUDA CHAPMAN	\$116,833	0	12/3/2008	Not Filed	\$8,250	\$600
1957	C00295097	AMERICAN IRON AND STEEL INSTITUTE POLITICAL ACTION COMMITTEE (STEEL PAC)	THOMAS GIBSON	\$251,156	0	12/4/2008	Not Filed	\$4,000	\$500
1958	C00034645	AMERICAN SOCIETY FOR CLINICAL LABORATORY SCIENCE POLITICAL ACTION COMMITTEE (FKA ASMT/PAC)	LINDA HICKOK	\$110,237	1	11/6/2008	Not Filed	\$1,000	\$625
1959	C00211250	AON CORPORATION POLITICAL ACTION COMMITTEE	PAUL HAGY	\$615,146	0	10/31/2008	Not Filed	\$27,258	\$1,400
1960	C00249359	BAKERY CONFECTIONERY TOBACCO WKRS & GRAIN MILLERS INT'L UNION LOCAL 19 POL ORG 'BCTGM'	THOMAS EDWARD	\$129,499	0	12/18/2008	Not Filed	\$2,893	\$500
1961	C00432724	BEST PAC	GUILLERMO CINTRON	\$211,266	0	12/9/2008	Not Filed	\$3,675	\$500
1962	C00372862	BIKES BELONG COALITION, LTD. POLITICAL ACTION COMMITTEE	GARY SJOQUIST	\$109,242	0	12/8/2008	Not Filed	\$3,010	\$500
1963	C00390583	BROWNSTEIN HYATT FARBER SCHRECK POLITICAL ACTION COMMITTEE	STEVEN DEMBY	\$309,005	0	12/4/2008	Not Filed	\$2,000	\$500
1964	C00386300	CALUMET PAC	TERRENCE BRONOWSKI	\$496,285	0	12/1/2008	Not Filed	\$14,000	\$900
1965	C00099937	COOPER INDUSTRIES POLITICAL ACTION COMMITTEE	MR. TYLER W. JOHNSON	\$314,852	0	10/30/2008	7	\$7,000	\$170

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AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1966	C00130187	DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC	JOAQUIN DEL CUETO	\$290,798	0	12/17/2008	Not Filed	\$8,829	\$600
1967	C00004952	ELECTRIC POWER ASSOCIATIONS OF MISSISSIPPI ACTION COMMITTEE FOR RURAL ELECTRIFICATION	MR. MICHAEL CALLAHAN	\$468,071	0	12/8/2008	Not Filed	\$3,000	\$500
1968	C00208249	EMPIRE DISTRICT ELECTRIC COMPANY POLITICAL ACTION COMMITTEE	LARRY JAY WILLIAMS	\$133,974	0	12/4/2008	Not Filed	\$6,478 (est)	\$600
1969	C00431981	HOMECARE & HOSPICE PAC	RUTH L. CONSTANT	\$252,603	0	11/26/2008	Not Filed	\$6,063 (est)	\$600
1970	C00138966	INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 68 POLITICAL ACTION COMMITTEE	JOHN LOMBARDI	\$117,532	0	11/4/2008	Not Filed	\$8,500	\$600
1971	C00388462	ITC HOLDINGS CORP. PAC	ANNE JINKS	\$158,856	0	12/3/2008	Not Filed	\$2,240 (est)	\$500
1972	C00212522	KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC)	JAMES D. MCINTIRE	\$155,917	0	1/31/2009	Not Filed	\$31,700	\$1,400

1974	C00409631	LOUISIANA REFORM PAC	JOHN C. SCHMIDT	\$405,337	0	2/27/2009	Not Filed	\$84,182	\$4,000
1975	C00272724	MAYNARD COOPER AND GALE PC PAC	EDWARD A. HOSP	\$122,266	0	12/4/2008	Not Filed	\$4,038 (est)	\$500
1976	C00421008	METAL LATHERS LOCAL 46 PAC	ROBERT LEDWITH	\$264,728	1	12/10/2008	Not Filed	\$8,138 (est)	\$750
1977	C00233304	NATIONAL ASSOCIATION OF INDUSTRIAL AND OFFICE PROPERTIES, DEVELOPMENT PAC (NAIOP-PAC)	ELIZABETH R. GREENE	\$422,814	0	12/4/2008	Not Filed	\$9,179 (est)	\$600

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AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1978	C00072025	NATIONAL RURAL LETTER CARRIERS' ASSOCIATION POLITICAL ACTION COMMITTEE	MR. ANTHONY VILARDO	\$2,125,755	0	11/13/2008	Not Filed	\$14,977	\$900
1979	C00167627	NORTEL POLITICAL ACTION COMMITTEE	MARY JO DORR	\$240,104	0	12/3/2008	Not Filed	\$8,869	\$600
1980	C00216754	NORTH CAROLINA FARM BUREAU FEDERATION INC POL ACT CMTE INC (AKA) NC FARM BUREAU FARM PAC	H. JULIAN PHILPOTT, JR.	\$187,936	0	12/4/2008	Not Filed	\$3,058 (est)	\$500
1981	C00134742	PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE	EARL F. HURD	\$102,460	0	1/7/2009	Not Filed	\$3,589 (est)	\$500
1982	C00237065	PORTLAND CEMENT ASSOCIATION INC. PCA PAC	MR. RICHARD C. CREIGHTON	\$245,129	0	1/6/2009	Not Filed	\$2,240	\$500
1983	C00025395	PUBLIC SERVICE COMPANY OF NEW MEXICO RESPONSIBLE CITIZENS GROUP	MR. THOMAS SATEGNA	\$109,257	1	12/8/2008	Not Filed	\$2,873 (est)	\$625
1984	C00432252	REGIONS FINANCIAL CORPORATION POLITICAL ACTION COMMITTEE	VIRGINIA BEAR	\$887,679	0	12/1/2008	Not Filed	\$13,251 (est)	\$900
1985	C00174011	RETAIL, WHOLESALE & DEPARTMENT STORE UNION COMMITTEE ON POLITICAL EDUCATION (RWDSU COPE)	STUART H. APPELBAUM	\$181,673	0	11/5/2008	Not Filed	\$20,776	\$900
1986	C00220053	RICELAND FOODS, INC. PAC	BILL J. REED	\$124,465	0	12/5/2008	Not Filed	\$5,000	\$600
1987	C00428268	RIGHT TRACK PAC	HAL HYNEMAN	\$171,312	0	10/30/2008	7	\$23,013	\$220
1988	C00381459	SOCIETY FOR VASCULAR SURGERY POLITICAL ACTION COMMITTEE	REBECCA MARON	\$182,712	1	12/4/2008	Not Filed	\$3,102 (est)	\$625

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AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1989	C00120030	SOCIETY OF INDEPENDENT GASOLINE MARKETERS OF AMERICA PAC	ELAINE TALBOTT	\$495,580	0	12/1/2008	Not Filed	\$6,250	\$600
1990	C00148155	ST. LOUISANS FOR BETTER GOVERNMENT	SHELDON SANDMEL	\$115,326	1	11/6/2008	Not Filed	\$3,049	\$625
1991	C00390179	THE 159 GROUP INC	SAMUEL B. KELLETT, JR	\$129,371	0	12/10/2008	Not Filed	\$12,100	\$900
1992	C00228296	THE ASCAP LEGISLATIVE FUND FOR THE ARTS	SUSAN BOLTERSDORF	\$294,359	0	11/4/2008	Not Filed	\$7,189	\$600
1993	C00165878	UNITED EMP PAC, CENTRAL LOUISIANA ELECTRIC CO. INC.	MELISSA LOHMAN	\$207,535	0	11/24/2008	Not Filed	\$9,137	\$600
1994	C00235036	ZURICH HOLDING COMPANY OF AMERICA COMMITTEE FOR GOOD GOVERNMENT (Z-PAC)	THOMAS A. BRADLEY	\$610,834	0	11/4/2008	Not Filed	\$8,980	\$600

Federal Election Commission  
Reason to Believe Circulation Report  
2008 POST-GENERAL Not Election Sensitive 12/04/2008 UNAUTH

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1995	C00010322	AMERICAN POSTAL WORKERS UNION COMMITTEE ON POLITICAL ACTION	TERRY R. STAPLETON	\$4,618,749	0	12/11/2008	7	\$467,571	\$3,900
1996	C00412718	AMERICANS AGAINST ILLEGAL IMMIGRATION PAC	SCOTT B. MACKENZIE	\$1,655,187	1	1/30/2009	Not Filed	\$46,623	\$1,125
1997	C00406405	BLOGPAC	CHRISTOPHER BOWERS	\$254,195	0	12/13/2008	9	\$60,625	\$975
1998	C00415752	BORDER HEALTH FEDERAL PAC	ERNIE PEREZ	\$802,565	0	1/29/2009	Not Filed	\$100,107	\$4,500
1999	C00165803	BUNCOMBE COUNTY REPUBLICAN PARTY	EDWARD S. OSADA	\$120,422	0	1/9/2009	Not Filed	\$6,675	\$300
2000	C00410589	CERNER CORPORATION	MARC NAUGHTON	\$263,666	0	12/26/2008	22	\$10,288	\$210
2001	C00130187	DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC	JOAQUIN DEL CUETO	\$325,873	0	12/10/2008	6	\$35,074	\$320
2002	C00214304	DELHAIZE AMERICA POLITICAL ACTION COMMITTEE	TEROSS W. YOUNG	\$119,775	2	1/12/2009	Not Filed	\$17,149	\$750

2004	C00362178	FAMILY-PAC FEDERAL	D. PAUL CAPRIO	\$119,333	1	12/29/2008	25	\$5,249	\$218
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AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2005	C00354613	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE	MARTIN MASCUILLI	\$129,868	0	1/9/2009	Not Filed	\$9,629	\$300
2006	C00276253	INTERNATIONAL BROTHERHOOD OF PAINTERS AND ALLIED TRADES DISTRICT COUNCIL 21 PAC	JOSEPH ASHDALE	\$1,553,623	0	1/8/2009	Not Filed	\$213,959	\$6,500
2007	C00212522	KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC)	JAMES D. MCINTIRE	\$165,194	0	1/31/2009	Not Filed	\$9,277	\$300
2008	C00001743	LOCAL 1814 INTERNATIONAL LONGSHOREMENS ASSOC AFL-CIO POLITICAL ACTION AND EDUCATION FUND	ANTHONY GRAFFINO	\$196,630	0	3/19/2009	Not Filed	\$10,252	\$500
2009	C00409631	LOUISIANA REFORM PAC	JOHN C. SCHMIDT	\$437,034	0	2/27/2009	Not Filed	\$31,696	\$900
2010	C00170696	MARSHALL AND ILSLEY CORPORATION POLITICAL ACTION COMMITTEE	DYANA L. PAPPENFUS	\$132,557	0	1/6/2009	Not Filed	\$44,233	\$900
2011	C00421008	METAL LATHERS LOCAL 46 PAC	ROBERT LEDWITH	\$279,765	1	12/10/2008	6	\$15,037 (est)	\$162
2012	C00366922	METROPOLITAN TRANSPORTATION AUTHORITY POLICE BENEVOLENT ASSOCIATION PAC	RAYMOND GIMMLER	\$144,220	0	1/9/2009	Not Filed	\$11,485	\$500
2013	C00376384	MONROE COUNTY DEMOCRATIC COMMITTEE	LEIGH KEGGERREIS	\$1,282,381	1	2/3/2009	Not Filed	\$18,918	\$625
2014	C00092247	NATIONAL ORGANIZATION FOR WOMEN PAC	LATIFA LYLES	\$489,092	0	12/23/2008	19	\$17,000	\$195
2015	C00452854	NEWAYGO COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	CHARLES D. BENHAM	\$145,342	0	12/30/2009	Not Filed	\$8,713 (est)	\$300

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2016	C00362210	O'NEILL AND ASSOCIATES PAC	SUSAN WATSON	\$109,606	0	1/14/2009	Not Filed	\$11,422	\$500
2017	C00165324	PHILADELPHIA JOINT BOARD UNITE HERE TIPS	MS. MILDRED SALDANA	\$153,568	0	2/23/2009	Not Filed	\$643	\$250
2018	C00134742	PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE	EARL F. HURD	\$114,160	0	1/7/2009	Not Filed	\$11,699 (est)	\$500
2019	C00192849	PLUMBERS AND PIPEFITTERS LOCAL UNION 74	VICTOR SALVATORE	\$103,604	0	1/6/2009	Not Filed	\$2,379	\$250
2020	C00143362	PLUMBERS LOCAL 519 POLITICAL ACTION COMMITTEE	PHIL TRUCKS, JR.	\$259,305	2	12/30/2008	26	\$16,460	\$345
2021	C00237065	PORTLAND CEMENT ASSOCIATION INC. PCA PAC	MR. RICHARD C. CREIGHTON	\$247,169	0	1/6/2009	Not Filed	\$2,040	\$250
2022	C00406553	PROGRESSIVE VOTERS OF AMERICA	PHILIP FIERMONTÉ	\$194,586	0	12/11/2008	7	\$50,021	\$825
2023	C00363812	RECREATIONAL FISHING ALLIANCE, PAC	TONI STEFANO	\$104,892	2		Not Filed	\$20,978 (est)	\$750
2024	C00153379	SIERRA PACIFIC EMPLOYEES POLITICAL ACTION COMMITTEE	JOHN VINSKI	\$140,541	1	12/11/2008	7	\$13,520	\$168
2025	C00278788	SUFFOLK COUNTY DETECTIVES ASSN INC., POLITICAL ACTION COMMITTEE	WILLIAM RATHJEN	\$173,246	2	1/6/2009	Not Filed	\$12,655	\$750
2026	C00363689	TALLATCHEE CREEK INC. PAC	ELIZABETH EMBER CONATSER	\$493,267	0	1/2/2009	29	\$40,900	\$780
2027	C00390179	THE 159 GROUP INC	SAMUEL B. KELLETT, JR.	\$146,371	0	12/10/2008	6	\$17,000	\$130

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AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2028	C00400135	UNITED HEALTH SERVICES PAC, INC.	CHRIS C. DOWNING	\$192,434	0	1/8/2009	Not Filed	\$19,105	\$500
2029	C00377549	USAFARMWORKERPAC	STUART J. MITCHELL	\$104,586	0	12/30/2008	26	\$864	\$155
2030	C00417063	WEST VIRGINIA REPUBLICAN PARTY, INC.	MARY V. RIGGALL	\$880,366	0	12/15/2008	11	\$27,446	\$420
2031	C00048181	WISCONSIN BANKERS ASSOCIATION (WISBANKPAC)	MRS. DEBORAH RUFER	\$241,494	0	12/10/2008	6	\$27,016	\$320

Federal Election Commission  
Reason to Believe Circulation Report  
2008 POST-GENERAL Not Election Sensitive 12/04/2008 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2032	C00450007	CINDY FOR CONGRESS	SHEEHAN, CINDY	CHRISTY MILLER	\$1,180,544	1	2/13/2009	Not Filed	\$272,409	\$10,000
2033	C00449876	COMMITTEE TO ELECT MARY WRIGHT	WRIGHT, MARY D.	MARY WRIGHT	\$343,017	1		Not Filed	\$57,169 (est)	\$3,375
2034	C00418293	COMMITTEE TO RE-ELECT HENRY HANK JOHNSON	JOHNSON, HENRY C. JR.	MALCOLM A. CUNNINGHAM	\$748,019	0	1/13/2009	Not Filed	\$52,265	\$2,700

2036	C00448241	DOUG TUDOR FOR CONGRESS	TUDOR, DOUGLAS DAVID	JON P. TUDOR	\$241,978	2	12/30/2008	26	\$37,596	\$1,080
2037	C00441840	FAULK FOR CONGRESS	FAULK, JOHN M.	MARY LYNN MCKEOWN	\$129,637	0	1/7/2009	Not Filed	\$7,595	\$300
2038	C00393041	FRIENDS OF AMATA	COLEMAN, AUMUA AMATA	MICHAEL LAWRENCE USLE	\$201,698	1	12/14/2008	10	\$37,039	\$500
2039	C00446641	JACK HOOGENDYK FOR US SENATE	HOOGENDYK JR, JACK	JACK HOOGENDYK	\$602,428	0	12/12/2008	8	\$177,298	\$2,000
2040	C00317842	KILPATRICK FOR UNITED STATES CONGRESS	KILPATRICK, CAROLYN MS.	MR. CARL STAFFORD	\$2,084,372	0	12/10/2008	6	\$37,329	\$320
2041	C00449629	REED FOR US SENATE 2008 INC	REED, CHRISTOPHER	KIMBERLY REED	\$117,880	0	1/14/2009	Not Filed	\$26,742	\$900
2042	C00449231	STRATEN FOR CONGRESS INC	STRATEN, ROLAND	RICHARD HOLLAND	\$139,752	0	12/10/2008	6	\$19,399	\$130

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation -- )  
2008 12 Day Pre-General )  
Report(Unauthorized Quarterly Filers) and )  
30 Day Post-General Report )  
(Unauthorized/Authorized Filers) for the )  
Administrative Fine Program (2008 Post )  
General) (UNAUTH): )  
TALLATCHEE CREEK INC. PAC, and ) AF# 2026  
CONATSER, ELIZABETH EMBER as )  
treasurer; )  
PLUMBERS LOCAL 519 POLITICAL ) AF# 2020  
ACTION COMMITTEE, and PHIL )  
TRUCKS JR as treasurer; )  
USAFARMWORKERPAC, and STUART J ) AF# 2029  
MITCHELL as treasurer; )  
FAMILY-PAC FEDERAL, and D PAUL ) AF# 2004  
CAPRIO as treasurer; )  
CERNER CORPORATION, and ) AF# 2000  
NAUGHTON, MARC as treasurer; )  
NATIONAL ORGANIZATION FOR ) AF# 2014  
WOMEN PAC, and LYLES^LATIFA^^ as )  
treasurer; )  
WEST VIRGINIA REPUBLICAN PARTY, ) AF# 2030  
INC., and RIGGALL, MARY V. as )  
treasurer; )  
BLOGPAC, and BOWERS, ) AF# 1997  
CHRISTOPHER as treasurer; )  
COMMITTEE ON POLITICAL ACTION ) AF# 1995  
OF THE AMERICAN POSTAL )  
WORKERS UNION, AFL-CIO, and )  
TERRY STAPLETON as treasurer; )  
PROGRESSIVE VOTERS OF AMERICA, ) AF# 2022  
and PHILIP FIERMONTE as treasurer; )  
SIERRA PACIFIC EMPLOYEES ) AF# 2024  
POLITICAL ACTION COMMITTEE, and )  
VINSKI, JOHN as treasurer; )

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Federal Election Commission  
Certification for Administrative Fines  
March 31, 2009

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DADE COUNTY FIRE FIGHTERS, ) AF# 2001  
LOCAL 1403 PAC, and DEL CUETO, )  
JOAQUIN as treasurer; )  
METAL LATHERS LOCAL 46 PAC, and ) AF# 2011  
ROBERT LEDWITH as treasurer; )  
THE 159 GROUP INC, and SAMUEL B ) AF# 2027  
KELLETT JR as treasurer; )  
WISCONSIN BANKERS ASSOCIATION ) AF# 2031  
(WISBANKPAC), and RUFER, )  
DEBORAH MRS. as treasurer; )  
AMERICANS AGAINST ILLEGAL ) AF# 1996  
IMMIGRATION PAC, and MACKENZIE, )  
SCOTT B as treasurer; )  
BORDER HEALTH FEDERAL PAC, and ) AF# 1998  
ERNIE PEREZ as treasurer; )  
BUNCOMBE COUNTY REPUBLICAN ) AF# 1999  
PARTY, and EDWARD S OSADA as )  
treasurer; )  
DELHAIZE AMERICA, INC. POLITICAL ) AF# 2002  
ACTION COMMITTEE, and YOUNG, )  
TEROSS W as treasurer; )

INT LONGSHOREMENS ASSOC (ILA) ) AF# 2005  
LOCAL 1291 POLITICAL ACTION )  
COMMITTEE, and MARTIN MASCULLI )  
as treasurer; )  
INTERNATIONAL BROTHERHOOD OF ) AF# 2006  
PAINTERS AND ALLIED TRADES )  
DISTRICT COUNCIL 21 PAC, and )  
ASHDALE, JOSEPH as treasurer; )  
KELLY SERVICES INC POLITICAL ) AF# 2007  
ACTION COMMITTEE (KELLYPAC), )  
and JAMES D MCINTIRE as treasurer; )  
LOCAL 1814 INTERNATIONAL ) AF# 2008  
LONGSHOREMENS ASSOC AFL-CIO )  
POLITICAL ACTION AND EDUCATION )  
FUND, and ANTHONY GRAFFINO as )  
treasurer; )  
LOUISIANA REFORM PAC, and ) AF# 2009  
SCHMIDT, JOHN C as treasurer; )

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Federal Election Commission  
Certification for Administrative Fines  
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MARSHALL AND ILSLEY	AF# 2010
CORPORATION POLITICAL ACTION	
COMMITTEE, and DYANA L PAPPENFUS	
as treasurer;	
METROPOLITAN TRANSPORTATION	) AF# 2012
AUTHORITY POLICE BENEVOLENT	)
ASSOCIATION PAC, and RAYMOND	)
GIMMLER as treasurer;	)
MONROE COUNTY DEMOCRATIC	) AF# 2013
COMMITTEE, and KEGERREIS, LEIGH	)
as treasurer;	)
NEWAYGO COUNTY DEMOCRATIC	) AF# 2015
EXECUTIVE COMMITTEE, and	)
CHARLES D BENHAM as treasurer;	)
O'NEILL AND ASSOCIATES PAC, and	) AF# 2016
SUSAN WATSON as treasurer;	)
PHILADELPHIA JOINT BOARD UNITE	) AF# 2017
HERE TIPS, and MS MILDRED	)
SALDANA as treasurer;	)
PLASTERERS' AND CEMENT MASONS'	) AF# 2018
ACTION COMMITTEE, and HURD,	)
EARL F as treasurer;	)
PLUMBERS AND PIPEFITTERS LOCAL	) AF# 2019
UNION 74, and VICTOR SALVATORE as	)
treasurer;	)
PORTLAND CEMENT ASSOCIATION	) AF# 2021
INC. PCA PAC, and RICHARD C.	)
CREIGHTON MR. as treasurer;	)
RECREATIONAL FISHING ALLIANCE,	) AF# 2023
PAC, and TONI STEFANO as treasurer;	)
SUFFOLK COUNTY DETECTIVES	) AF# 2025
ASSN INC., POLITICAL ACTION	)
COMMITTEE, and WILLIAM RATHJEN,	)
TREASURER as treasurer;	)
UNITED HEALTH SERVICES PAC, INC.,	) AF# 2028
and CHRIS C DOWNING as treasurer;	)

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on March 31, 2009 the Commission took the following actions on the Reason To Believe Recommendation – 2008 12 Day Pre-General Report (Unauthorized Quarterly Filers) and 30 Day Post-General Report (Unauthorized/Authorized Filers) for the Administrative Fine Program (2008 Post General) (UNAUTH) as recommended in the Reports Analysis Division's Memorandum dated March 30, 2009, on the following committees:

AF#2026 Decided by a vote of 6-0 to: (1) find reason to believe that TALLATCHEE CREEK INC. PAC, and CONATSER, ELIZABETH EMBER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2020 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS LOCAL 519 POLITICAL ACTION COMMITTEE, and PHIL TRUCKS JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2029 Decided by a vote of 6-0 to: (1) find reason to believe that USAFARMWORKERPAC, and STUART J MITCHELL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2004 Decided by a vote of 6-0 to: (1) find reason to believe that FAMILY-PAC FEDERAL, and D PAUL CAPRIO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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**AF#2000** Decided by a vote of 6-0 to: (1) find reason to believe that CERNER CORPORATION, and NAUGHTON, MARC as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2014** Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ORGANIZATION FOR WOMEN PAC, and LYLES^LATIFA^^ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2030** Decided by a vote of 6-0 to: (1) find reason to believe that WEST VIRGINIA REPUBLICAN PARTY, INC., and RIGGALL, MARY V. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#1997** Decided by a vote of 6-0 to: (1) find reason to believe that BLOGPAC, and BOWERS, CHRISTOPHER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#1995** Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE ON POLITICAL ACTION OF THE AMERICAN POSTAL WORKERS UNION, AFL-CIO, and TERRY STAPLETON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2022** Decided by a vote of 6-0 to: (1) find reason to believe that PROGRESSIVE VOTERS OF AMERICA, and PHILIP FIERMONTE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2024** Decided by a vote of 6-0 to: (1) find reason to believe that SIERRA PACIFIC EMPLOYEES POLITICAL ACTION COMMITTEE, and VINSKI, JOHN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate

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letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2001** Decided by a vote of 6-0 to: (1) find reason to believe that DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC, and DEL CUETO, JOAQUIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2011** Decided by a vote of 6-0 to: (1) find reason to believe that METAL LATHERS LOCAL 46 PAC, and ROBERT LEDWITH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2027** Decided by a vote of 6-0 to: (1) find reason to believe that THE 159 GROUP INC, and SAMUEL B KELLETT JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2031** Decided by a vote of 6-0 to: (1) find reason to believe that WISCONSIN BANKERS ASSOCIATION (WISBANKPAC), and RUFER, DEBORAH MRS. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#1996** Decided by a vote of 6-0 to: (1) find reason to believe that AMERICANS AGAINST ILLEGAL IMMIGRATION PAC, and MACKENZIE, SCOTT B as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#1998** Decided by a vote of 6-0 to: (1) find reason to believe that BORDER HEALTH FEDERAL PAC, and ERNIE PEREZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#1999** Decided by a vote of 6-0 to: (1) find reason to believe that BUNCOMBE COUNTY REPUBLICAN PARTY, and EDWARD S OSADA as treasurer violated 2

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U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2002 Decided by a vote of 6-0 to: (1) find reason to believe that DELHAIZE AMERICA, INC. POLITICAL ACTION COMMITTEE, and YOUNG, TEROSS W as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2005 Decided by a vote of 6-0 to: (1) find reason to believe that INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE, and MARTIN MASCUILLI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2006 Decided by a vote of 6-0 to: (1) find reason to believe that INTERNATIONAL BROTHERHOOD OF PAINTERS AND ALLIED TRADES DISTRICT COUNCIL 21 PAC, and ASHDALE, JOSEPH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2007 Decided by a vote of 6-0 to: (1) find reason to believe that KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC), and JAMES D MCINTIRE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2008 Decided by a vote of 6-0 to: (1) find reason to believe that LOCAL 1814 INTERNATIONAL LONGSHOREMENS ASSOC AFL-CIO POLITICAL ACTION AND EDUCATION FUND, and ANTHONY GRAFFINO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the

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amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2009** Decided by a vote of 6-0 to: (1) find reason to believe that LOUISIANA REFORM PAC, and SCHMIDT, JOHN C as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2010** Decided by a vote of 6-0 to: (1) find reason to believe that MARSHALL AND ILSLEY CORPORATION POLITICAL ACTION COMMITTEE, and DYANA L PAPENFUS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2012** Decided by a vote of 6-0 to: (1) find reason to believe that METROPOLITAN TRANSPORTATION AUTHORITY POLICE BENEVOLENT ASSOCIATION PAC, and RAYMOND GIMMLER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2013** Decided by a vote of 6-0 to: (1) find reason to believe that MONROE COUNTY DEMOCRATIC COMMITTEE, and KEGERREIS, LEIGH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2015** Decided by a vote of 6-0 to: (1) find reason to believe that NEWAYGO COUNTY DEMOCRATIC EXECUTIVE COMMITTEE, and CHARLES D BENHAM as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2016** Decided by a vote of 6-0 to: (1) find reason to believe that O'NEILL AND ASSOCIATES PAC, and SUSAN WATSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2017 Decided by a vote of 6-0 to: (1) find reason to believe that PHILADELPHIA JOINT BOARD UNITE HERE TIPS, and MS MILDRED SALDANA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2018 Decided by a vote of 6-0 to: (1) find reason to believe that PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE, and HURD, EARL F as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2019 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS AND PIPEFITTERS LOCAL UNION 74, and VICTOR SALVATORE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2021 Decided by a vote of 6-0 to: (1) find reason to believe that PORTLAND CEMENT ASSOCIATION INC. PCA PAC, and RICHARD C. CREIGHTON MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2023 Decided by a vote of 6-0 to: (1) find reason to believe that RECREATIONAL FISHING ALLIANCE, PAC, and TONI STEFANO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2025 Decided by a vote of 6-0 to: (1) find reason to believe that SUFFOLK COUNTY DETECTIVES ASSN INC., POLITICAL ACTION COMMITTEE, and WILLIAM RATHJEN, TREASURER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2028 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED HEALTH SERVICES PAC, INC., and CHRIS C DOWNING as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would

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Federal Election Commission  
Certification for Administrative Fines  
March 31, 2009

Page 10

be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

March 31, 2009  
Date

Mary W. Dove  
Mary W. Dove  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 6, 2009

Samuel B. Kellett, Jr. as Treasurer  
The 159 Group Inc  
2515 Brookwood Drive  
Atlanta, GA 30305

C00390179  
AF#: 2027

Dear Mr. Kellett:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year in which a regularly scheduled general election is held. This report, covering the period through November 24, 2008, was due no later than December 4, 2008. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on December 10, 2008, 6 days late.

The Act was amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On March 31, 2009, the FEC found that there is reason to believe ("RTB") that The 159 Group Inc and you as treasurer violated 2 U.S.C. § 434(a) by failing to file timely this report on or before December 4, 2008. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$130. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment is due within forty (40) days of the finding, or by May 10, 2009, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$17,000  
Number of Days Late: 6  
Number of Previous Civil Money Penalties Assessed: 0

**To Pay the Calculated Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

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### **To Challenge the RTB Finding and/or Calculated Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 10, 2009. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error in the RTB finding; miscalculation of the calculated civil money penalty by the FEC; or your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, a failure of Commission computers or Commission-provided software despite you seeking technical assistance from Commission personnel and resources; a widespread disruption of information transmissions over the Internet that is not caused by the Commission's or your computer systems or Internet service provider; and severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, negligence; delays caused by vendors or contractors; treasurer and staff illness, inexperience or unavailability; committee computer, software, or internet service provider failures; failure to know filing dates; and failure to use filing software properly. 11 C.F.R. § 111.35(d). Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

Pursuant to the Commission's regulations, the "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

### **If You Do Not Pay the Calculated Civil Money Penalty or Submit a Challenge**

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that The 159 Group Inc and you as treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate

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action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther  
Chairman

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$130 for the 2008 Post-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by May 10, 2009. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: The 159 Group Inc

FEC ID#: C00390179

AF#: 2027

PAYMENT DUE DATE: May 10, 2009

PAYMENT AMOUNT DUE: \$130

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2009 MAY 29 P 1:20  
SECRETARIAT

May 29, 2009

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: ROBERT A. HICKEY  
STAFF DIRECTOR

FROM: JOHN D. GIBSON  
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER  
COMPLIANCE BRANCH

SUBJECT: ADMINISTRATIVE FINE PROGRAM – FINAL DETERMINATION  
RECOMMENDATION FOR THE 2008 12 DAY PRE-GENERAL REPORT  
(UNAUTHORIZED QUARTERLY FILERS) AND 30 DAY POST-  
GENERAL REPORT (UNAUTHORIZED/AUTHORIZED FILERS)

Attached are six (6) lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at the RTB stage for failure to file or failure to timely file the 2008 12 Day Pre-General and/or the 2008 30 Day Post-General Report(s). The attached lists contain the following:

1. 2008 12 Day Pre-General Report (Unauthorized Quarterly Filers) – Paid
2. 2008 12 Day Pre-General Report (Unauthorized Quarterly Filers) – Not Paid
3. 2008 30 Day Post-General Report (Unauthorized) – Paid
4. 2008 30 Day Post-General Report (Unauthorized) – Not Paid
5. 2008 30 Day Post-General Report (Authorized) – Paid
6. 2008 30 Day Post-General Report (Authorized) – Not Paid

The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

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In accordance with 11 CFR 111.34 and 11 CFR 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

Reports Analysis Division (RAD) recommends that the Commission take no further action against ITC Holdings Corp. PAC (AF 1971) and Nortel Political Action Committee (AF 1979). At the RTB stage, RAD's research showed that these committees had activity which would require them to file a 12 Day Pre-General Report, yet they had failed to do so. After the RTB finding, the committees informed RAD of data entry errors and filed amendments to correct the discrepancies. The amendments showed that the committees were not required to file a 12 Day Pre-General Report, and therefore did not violate 2 U.S.C. 434(a). As such, RAD recommends no further action against ITC Holdings Corp. PAC and Nortel Political Action Committee.

For your information, two (2) committees detailed below disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty at Final Determination (FD).

- Recreational Fishing Alliance, PAC (AF 2023) disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$7,511 (previously estimated to be \$20,978), thus the fine would be lowered from \$750 to \$450.
- Committee to Elect Mary Wright (AF 2033) disclosed no activity after the RTB finding, which would result in no civil money penalty (previously estimated to be \$3,375).

In addition, Cindy Sheehan for Congress (AF 2032) made only a partial payment of the civil money penalty assessed at the RTB stage. As such, the civil money penalty is listed as not paid.

#### **RAD Recommendation**

- (1) Take no further action against ITC Holdings Corp. PAC (AF 1971) and Anne Jinks, Treasurer, in regards to AF 1971.
- (2) Take no further action against Nortel Political Action Committee and Mary Jo Dorr, Treasurer, in regards to AF 1979.
- (3) Make final determination that all other political committees and their treasurers listed on the attached reports violated 2 U.S.C. 434(a) and assess the final civil money penalties so indicated.
- (4) Send the appropriate letters.

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5/29/2009 10:40 AM

Federal Election Commission  
FD Circulation Report Fine Paid  
2008 PRE-GENERAL Election Sensitive 10/23/2008 UNAUTH\_Q

AF#	Committee Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1956	A DUDA & SONS, INC. POLITICAL ACTION COMMITTEE	C00213231	TRACY DUDA CHAPMAN	12/03/2008	Not Filed	\$8,250	0	03/31/2009	\$600	\$600	04/28/2009	\$600
1957	AMERICAN IRON AND STEEL INSTITUTE POLITICAL ACTION COMMITTEE (STEEL PAC)	C00295097	THOMAS GIBSON	12/04/2008	Not Filed	\$4,000	0	03/31/2009	\$500	\$500	05/12/2009	\$500
1959	AON CORPORATION POLITICAL ACTION COMMITTEE	C00211250	PAUL HAGY	10/31/2008	Not Filed	\$27,258	0	03/31/2009	\$1,400	\$1,400	05/12/2009	\$1,400
1960	BAKERY CONFECTIONERY TOBACCO WKRS & GRAIN MILLERS INTL UNION LOCAL 19 POL ORG 'BCTGM'	C00249359	THOMAS EDWARD	12/18/2008	Not Filed	\$2,893	0	03/31/2009	\$500	\$500	05/12/2009	\$500
1962	BIKES BELONG COALITION, LTD. POLITICAL ACTION COMMITTEE	C00372862	GARY SJOQUIST	12/08/2008	Not Filed	\$3,010	0	03/31/2009	\$500	\$500	05/13/2009	\$500
1964	CALUMET PAC	C00386300	TERRENCE BRONOWSKI	12/01/2008	Not Filed	\$14,000	0	03/31/2009	\$900	\$900	05/06/2009	\$900
1965	COOPER INDUSTRIES POLITICAL ACTION COMMITTEE	C00099937	TYLER W. JOHNSON	10/30/2008	7	\$7,000	0	03/31/2009	\$170	\$170	04/27/2009	\$170
1966	DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC	C00130187	STEVEN JESSUP	12/17/2008	Not Filed	\$8,829	0	03/31/2009	\$600	\$600	04/21/2009	\$600
1967	ELECTRIC POWER ASSOCIATIONS OF MISSISSIPPI ACTION COMMITTEE FOR RURAL ELECTRIFICATION	C00004952	MICHAEL CALLAHAN	12/08/2008	Not Filed	\$3,000	0	03/31/2009	\$500	\$500	04/17/2009	\$500
1969	HOMECARE & HOSPICE PAC	C00431981	RUTH L. CONSTANT	11/26/2008	Not Filed	\$6,063	0	03/31/2009	\$600	\$600	05/05/2009	\$600
1974	LOUISIANA REFORM PAC	C00409631	JOHN C. SCHMIDT	02/27/2009	Not Filed	\$84,182	0	03/31/2009	\$4,000	\$4,000	05/12/2009	\$4,000

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AF#	Committee Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1975	MAYNARD COOPER & GALE PC PAC	C00272724	EDWARD A. HOSP	12/04/2008	Not Filed	\$4,038	0	03/31/2009	\$500	\$500	04/17/2009	\$500
1976	METAL LATHERS LOCAL 46 PAC	C00421008	ROBERT LEDWITH	12/10/2008	Not Filed	\$8,138	1	03/31/2009	\$750	\$750	05/06/2009	\$750
1977	NAIOP-PAC	C00233304	ELIZABETH R. GREENE	12/04/2008	Not Filed	\$9,179	0	03/31/2009	\$600	\$600	05/06/2009	\$800
1980	NORTH CAROLINA FARM BUREAU FEDERATION INC POL ACT CMTE INC (AKA) NC FARM BUREAU FARMIPAC	C00216754	H. JULIAN PHILPOTT, JR.	12/04/2008	Not Filed	\$3,058	0	03/31/2009	\$500	\$500	04/20/2009	\$500
1981	PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE	C00134742	EARL F. HURD	01/07/2009	Not Filed	\$3,589	0	03/31/2009	\$500	\$500	05/08/2009	\$500
1982	PORTLAND CEMENT ASSOCIATION INC. PCA PAC	C00237065	RICHARD C. CREIGHTON	01/06/2009	Not Filed	\$2,240	0	03/31/2009	\$500	\$500	04/23/2009	\$500
1983	PUBLIC SERVICE COMPANY OF NEW MEXICO RESPONSIBLE CITIZENS GROUP	C00025395	THOMAS SATEGNA	12/08/2008	Not Filed	\$2,873	1	03/31/2009	\$625	\$625	04/28/2009	\$625
1984	REGIONS FINANCIAL CORPORATION POLITICAL ACTION COMMITTEE	C00432252	VIRGINIA BEAR	12/01/2008	Not Filed	\$13,251	0	03/31/2009	\$900	\$900	05/04/2009	\$900
1985	RETAIL, WHOLESALE & DEPARTMENT STORE UNION COMMITTEE ON POLITICAL EDUCATION (RWDSU COPE)	C00174011	STUART H. APPELBAUM	11/05/2008	Not Filed	\$20,776	0	03/31/2009	\$900	\$900	05/08/2009	\$900
1986	RICELAND FOODS, INC. PAC	C00220053	BILL J. REED	12/05/2008	Not Filed	\$5,000	0	03/31/2009	\$600	\$600	04/29/2009	\$600
1987	RIGHT TRACK PAC	C00428268	HAL HYNEMAN	10/30/2008	7	\$23,013	0	03/31/2009	\$220	\$220	05/11/2009	\$220
1988	SOCIETY FOR VASCULAR SURGERY POLITICAL ACTION COMMITTEE	C00381459	REBECCA MARON	12/04/2008	Not Filed	\$3,102	1	03/31/2009	\$625	\$625	05/11/2009	\$625
1989	SOCIETY OF INDEPENDENT GASOLINE MARKETERS OF AMERICA PAC	C00120030	ELAINE TALBOTT	12/01/2008	Not Filed	\$6,250	0	03/31/2009	\$600	\$600	05/11/2009	\$600

AF#	Committee Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1980	ST. LOUISANS FOR BETTER GOVERNMENT	C00148155	SHELDON SANDMEL	11/06/2008	Not Filed	\$3,049	1	03/31/2009	\$625	\$625	05/08/2009	\$625
1982	THE ASCAP LEGISLATIVE FUND FOR THE ARTS	C00228286	SUSAN BOLTERS DORF	11/04/2008	Not Filed	\$7,189	0	03/31/2009	\$600	\$600	04/21/2009	\$600
1983	UNITED EMP PAC, CENTRAL LOUISIANA ELECTRIC CO. INC.	C00165878	MELISSA LOHMAN	11/24/2008	Not Filed	\$9,137	0	03/31/2009	\$600	\$600	04/23/2009	\$600
1984	ZURICH HOLDING COMPANY OF AMERICA COMMITTEE FOR GOOD GOVERNMENT (Z-PAC)	C00235038	THOMAS A. BRADLEY	11/04/2008	Not Filed	\$8,980	0	03/31/2009	\$600	\$600	05/11/2009	\$600

Federal Election Commission  
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2008 PRE-GENERAL Election Sensitive 10/23/2008 UNAUTH\_Q

AF#	Committee Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
1981	BEST PAC	C00432724	GUILLERMO CINTRON	12/09/2008	Not Filed	\$3,675	0	03/31/2009	\$500	59	\$500
1971	ITC HOLDINGS CORP. PAC	C00388462	ANNE JINKS	12/03/2008	Not Filed	\$0	0	03/31/2009	\$500	59	NFA
1972	KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC)	C00212522	JAMES D. MCINTIRE	01/31/2009	Not Filed	\$31,700	0	03/31/2009	\$1,400	59	\$1,400
1979	NORTEL POLITICAL ACTION COMMITTEE	C00167627	MARY JO DORR	12/03/2008	Not Filed	\$0	0	03/31/2009	\$600	59	NFA
1991	THE 159 GROUP INC	C00390179	SAMUEL B. KELLETT, JR.	12/10/2008	Not Filed	\$12,100	0	03/31/2009	\$900	59	\$900



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2008 POST-GENERAL Not Election Sensitive 12/04/2008 UNAUTH

AF#	Committee Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1995	AMERICAN POSTAL WORKERS UNION COMMITTEE ON POLITICAL ACTION	C00010322	TERRY R. STAPLETON	12/11/2008	7	\$467,571	0	03/31/2009	\$3,900	\$3,900	04/23/2009	\$3,900
1997	BLOGPAC	C00406405	CHRISTOPHER BOWERS	12/13/2008	9	\$60,625	0	03/31/2009	\$975	\$975		\$975
1998	BORDER HEALTH FEDERAL PAC	C00415752	ERNIE PEREZ	01/29/2009	Not Filed	\$100,107	0	03/31/2009	\$4,500	\$4,500	05/11/2009	\$4,500
1999	BUNCOMBE COUNTY REPUBLICAN PARTY	C00165803	DOROTHEA ALDERFER	01/09/2009	Not Filed	\$6,675	0	03/31/2009	\$300	\$300	05/06/2009	\$300
2000	CERNER CORPORATION	C00410589	MARC NAUGHTON	12/28/2008	22	\$10,288	0	03/31/2009	\$210	\$210	05/11/2009	\$210
2001	DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC	C00130187	STEVEN JESSUP	12/10/2008	6	\$35,074	0	03/31/2009	\$320	\$320	04/21/2009	\$320
2002	DELHAIZE AMERICA POLITICAL ACTION COMMITTEE	C00214304	TEROSS W. YOUNG	01/12/2009	Not Filed	\$17,149	2	03/31/2009	\$750	\$750	05/04/2009	\$750
2004	FAMILY-PAC FEDERAL	C00362178	D. PAUL CAPRIO	12/29/2008	25	\$5,249	1	03/31/2009	\$218	\$218	04/17/2009	\$218
2006	INTERNATIONAL BROTHERHOOD OF PAINTERS AND ALLIED TRADES DISTRICT COUNCIL 21 PAC	C00276253	JOSEPH ASHDALE	01/08/2009	Not Filed	\$213,959	0	03/31/2009	\$8,500	\$8,500	05/11/2009	\$8,500
2009	LOUISIANA REFORM PAC	C00409831	JOHN C. SCHMIDT	02/27/2009	Not Filed	\$31,696	0	03/31/2009	\$900	\$900	05/12/2009	\$900
2010	MARSHALL AND ILSLEY CORPORATION POLITICAL ACTION COMMITTEE	C00170696	DYANA L. PAPERFUS	01/08/2009	Not Filed	\$44,233	0	03/31/2009	\$900	\$900	04/17/2009	\$900
2011	METAL LATHERS LOCAL 46 PAC	C00421008	ROBERT LEDWITH	12/10/2008	6	\$15,037	1	03/31/2009	\$162	\$162	05/06/2009	\$162
2012	METROPOLITAN TRANSPORTATION AUTHORITY POLICE BENEVOLENT ASSOCIATION PAC	C00368822	RAYMOND GIMMLER	01/09/2009	Not Filed	\$11,485	0	03/31/2009	\$500	\$500	05/12/2009	\$500
2013	MONROE COUNTY DEMOCRATIC COMMITTEE	C00378384	LEIGH KEGERREIS	02/03/2009	Not Filed	\$18,918	1	03/31/2009	\$625	\$625	05/15/2009	\$625

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AF#	Committee Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2014	NATIONAL ORGANIZATION FOR WOMEN PAC	C00092247	LATIFA LYLES	12/23/2008	19	\$17,000	0	03/31/2009	\$195	\$195	04/28/2009	\$195
2015	NEWAYGO COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	C00452854	CHARLES D. BENHAM	12/30/2009	Not Filed	\$10,447	0	03/31/2009	\$300	\$300	05/12/2009	\$300
2016	O'NEILL AND ASSOCIATES PAC	C00362210	BENJAMIN JOSEPHSON	01/14/2009	Not Filed	\$11,422	0	03/31/2009	\$500	\$500	05/11/2009	\$500
2017	PHILADELPHIA JOINT BOARD UNITE HERE TIPS	C00165324	MILDRED SALDANA	02/23/2009	Not Filed	\$643	0	03/31/2009	\$250	\$250	05/08/2009	\$250
2018	PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE	C00134742	EARL F. HURD	01/07/2009	Not Filed	\$11,699	0	03/31/2009	\$500	\$500	05/08/2009	\$500
2019	PLUMBERS AND PIPEFITTERS LOCAL UNION 74	C00192849	VICTOR SALVATORE	01/06/2009	Not Filed	\$2,379	0	03/31/2009	\$250	\$250	04/17/2009	\$250
2021	PORTLAND CEMENT ASSOCIATION INC. PCA PAC	C00237065	RICHARD C. CREIGHTON	01/06/2009	Not Filed	\$2,040	0	03/31/2009	\$250	\$250	04/23/2009	\$250
2022	PROGRESSIVE VOTERS OF AMERICA	C00406553	F. PHILIP FIERMONTE	12/11/2008	7	\$50,021	0	03/31/2009	\$825	\$825	04/29/2009	\$825
2024	SIERRA PACIFIC EMPLOYEES POLITICAL ACTION COMMITTEE	C00153379	JOHN VINSKI	12/11/2008	7	\$13,520	1	03/31/2009	\$168	\$168	05/05/2009	\$168
2025	SUFFOLK COUNTY DETECTIVES ASSN INC., POLITICAL ACTION COMMITTEE	C00278788	WILLIAM RATHJEN	01/08/2009	Not Filed	\$12,655	2	03/31/2009	\$750	\$750	05/07/2009	\$750
2026	TALLATCHEE CREEK INC. PAC	C00363689	ELIZABETH EMBER CONATSER	01/02/2009	29	\$40,900	0	03/31/2009	\$780	\$780	05/14/2009	\$780
2028	UNITED HEALTH SERVICES PAC, INC.	C00400135	CHRIS C. DOWNING	01/08/2009	Not Filed	\$19,105	0	03/31/2009	\$500	\$500	05/13/2009	\$500
2029	USAFARMWORKERPAC	C00377549	STUART J. MITCHELL	12/30/2008	26	\$884	0	03/31/2009	\$155	\$155	04/23/2009	\$155
2030	WEST VIRGINIA REPUBLICAN PARTY, INC.	C00417063	MARY V. RIGGALL	12/15/2008	11	\$27,446	0	03/31/2009	\$420	\$420	05/11/2009	\$420
2031	WISCONSIN BANKERS ASSOCIATION (WISBANKPAC)	C00048181	DEBORAH RUFER	12/10/2008	6	\$27,016	0	03/31/2009	\$320	\$320	05/08/2009	\$320

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AF#	Committee Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
1998	AMERICANS AGAINST ILLEGAL IMMIGRATION PAC	C00412718	SCOTT B. MACKENZIE	01/30/2009	Not Filed	\$46,623	1	03/31/2009	\$1,125	59	\$1,125
2005	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1281 POLITICAL ACTION COMMITTEE	C00354613	MARTIN MASCUILLI	01/09/2009	Not Filed	\$9,629	0	03/31/2009	\$300	59	\$300
2007	KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC)	C00212522	JAMES D. MCINTIRE	01/31/2009	Not Filed	\$9,277	0	03/31/2009	\$300	59	\$300
2020	PLUMBERS LOCAL 519 POLITICAL ACTION COMMITTEE	C00143362	PHIL TRUCKS, JR.	12/30/2008	26	\$16,460	2	03/31/2009	\$345	59	\$345
2023	RECREATIONAL FISHING ALLIANCE PAC	C00363812	JIM HUTCHINSON, JR.		Not Filed	\$7,511 (est)	2	03/31/2009	\$750	59	\$450
2027	THE 159 GROUP INC	C00390179	SAMUEL B. KELLETT, JR.	12/10/2008	6	\$17,000	0	03/31/2009	\$130	59	\$130

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AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2034	COMMITTEE TO RE-ELECT HENRY HANK JOHNSON	JOHNSON JR., HENRY C.	C00418293	MALCOLM A. CUNNINGHAM	01/13/2009	Not Filed	\$52,265	0	03/31/2009	\$2,700	\$2,700	05/12/2009	\$2,700
2039	JACK HOOGENDYK FOR US SENATE	HOOGENDYK JR., JACK	C00446641	JACK HOOGENDYK	12/12/2008	8	\$177,298	0	03/31/2009	\$2,000	\$2,000	05/05/2009	\$2,000
2040	KILPATRICK FOR UNITED STATES CONGRESS	KILPATRICK, CAROLYN	C00317842	CARL STAFFORD	12/10/2008	6	\$37,329	0	03/31/2009	\$320	\$320	05/11/2009	\$320
2041	REED FOR US SENATE 2008 INC	REED, CHRISTOPHER	C00449629	KIMBERLY REED	01/14/2009	Not Filed	\$26,742	0	03/31/2009	\$900	\$900	05/13/2009	\$900
2042	STRATEN FOR CONGRESS INC	STRATEN, ROLAND	C00449231	RICHARD HOLLAND	12/10/2008	6	\$19,369	0	03/31/2009	\$130	\$130	04/21/2009	\$130

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AP#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2032	CINDY SHEEHAN FOR CONGRESS	SHEEHAN, CINDY	C00450007	DAVID JETTE	02/13/2009	Not Filed	\$272,259	1	03/31/2009	\$10,000	59	\$10,000
2033	COMMITTEE TO ELECT MARY WRIGHT	WRIGHT, MARY D.	C00448876	MARY DELOIS WRIGHT		Not Filed	\$0 (est)	1	03/31/2009	\$3,375	59	\$0

2036	DOUG TUDOR FOR CONGRESS	TUDOR, DOUGLAS DAVID	C00448241	DOUGLAS D. TUDOR	12/30/2008	26	\$37,586	2	03/31/2009	\$1,080	59	\$1,080
2038	FRIENDS OF AMATA	COLEMAN, ALUMUA AMATA	C00393041	MICHAEL LAWRENCE USLE	12/14/2008	10	\$37,039	1	03/31/2009	\$500	59	\$500

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fines Final Determination )  
Recommendation for the 30 Day Post- )  
General Report (Unauthorized Filers): )  
)  
TALLATCHEE CREEK INC. PAC, and ) AF# 2026  
CONATSER, ELIZABETH EMBER as )  
treasurer; )  
PLUMBERS LOCAL 519 POLITICAL ) AF# 2020  
ACTION COMMITTEE, and PHIL )  
TRUCKS JR as treasurer; )  
USAFARMWORKERPAC, and STUART J ) AF# 2029  
MITCHELL as treasurer; )  
FAMILY-PAC FEDERAL, and D PAUL ) AF# 2004  
CAPRIO as treasurer; )  
CERNER CORPORATION, and ) AF# 2000  
NAUGHTON, MARC as treasurer; )  
NATIONAL ORGANIZATION FOR ) AF# 2014  
WOMEN PAC, and LYLES LATIFA as )  
treasurer; )  
WEST VIRGINIA REPUBLICAN PARTY, ) AF# 2030  
INC., and RIGGALL, MARY V. as )  
treasurer; )  
BLOGPAC, and BOWERS, ) AF# 1997  
CHRISTOPHER as treasurer; )  
COMMITTEE ON POLITICAL ACTION ) AF# 1995  
OF THE AMERICAN POSTAL )  
WORKERS UNION, AFL-CIO, and )  
TERRY STAPLETON as treasurer; )  
PROGRESSIVE VOTERS OF AMERICA, ) AF# 2022  
and FIERMONTE, F. PHILIP as treasurer; )  
SIERRA PACIFIC EMPLOYEES ) AF# 2024  
POLITICAL ACTION COMMITTEE, and )  
VINSKI, JOHN as treasurer; )  
DADE COUNTY FIRE FIGHTERS, ) AF# 2001  
LOCAL 1403 PAC, and JESSUP, STEVEN )  
as treasurer; )

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Federal Election Commission  
Certification for Administrative Fines  
June 01, 2009

Page 2

METAL LATHERS LOCAL 46 PAC, and	)	AF# 2011
ROBERT LEDWITH as treasurer;	)	
THE 159 GROUP INC, and SAMUEL B	)	AF# 2027
KELLETT JR as treasurer;	)	
WISCONSIN BANKERS ASSOCIATION	)	AF# 2031
(WISBANKPAC), and RUFER,	)	
DEBORAH MRS. as treasurer;	)	
AMERICANS AGAINST ILLEGAL	)	AF# 1996
IMMIGRATION PAC, and MACKENZIE,	)	
SCOTT B as treasurer;	)	
BORDER HEALTH FEDERAL PAC, and	)	AF# 1998
ERNE PEREZ as treasurer;	)	
BUNCOMBE COUNTY REPUBLICAN	)	AF# 1999
PARTY, and ALDERFER, DOROTHEA as	)	
treasurer;	)	
DELHAIZE AMERICA, INC. POLITICAL	)	AF# 2002
ACTION COMMITTEE, and YOUNG,	)	
TEROSS W as treasurer;	)	
INT LONGSHOREMENS ASSOC (ILA)	)	AF# 2005
LOCAL 1291 POLITICAL ACTION	)	
COMMITTEE, and MARTIN MASCUILLI	)	
as treasurer;	)	
INTERNATIONAL BROTHERHOOD OF	)	AF# 2006
PAINTERS AND ALLIED TRADES	)	
DISTRICT COUNCIL 21 PAC, and	)	
ASHDALE, JOSEPH as treasurer;	)	
KELLY SERVICES INC POLITICAL	)	AF# 2007
ACTION COMMITTEE (KELLYPAC),	)	
and JAMES D MCINTIRE as treasurer;	)	
LOUISIANA REFORM PAC, and	)	AF# 2009
SCHMIDT, JOHN C as treasurer;	)	
MARSHALL AND ILSLEY	)	AF# 2010
CORPORATION POLITICAL ACTION	)	
COMMITTEE, and DYANA L PAPENFUS	)	
as treasurer;	)	
METROPOLITAN TRANSPORTATION	)	AF# 2012
AUTHORITY POLICE BENEVOLENT	)	
ASSOCIATION PAC, and RAYMOND	)	
GIMMLER as treasurer;	)	
MONROE COUNTY DEMOCRATIC	)	AF# 2013
COMMITTEE, and KEGERREIS, LEIGH	)	
as treasurer;	)	
NEWAYGO COUNTY DEMOCRATIC	)	AF# 2015
EXECUTIVE COMMITTEE, and	)	
CHARLES D BENHAM as treasurer;	)	

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O'NEILL AND ASSOCIATES PAC, and ) AF# 2016  
SUSAN WATSON as treasurer; )  
PHILADELPHIA JOINT BOARD UNITE ) AF# 2017  
HERE TIPS, and MS MILDRED )  
SALDANA as treasurer; )  
PLASTERERS' AND CEMENT MASONS' ) AF# 2018  
ACTION COMMITTEE, and HURD, )  
EARL F as treasurer; )  
PLUMBERS AND PIPEFITTERS LOCAL ) AF# 2019  
UNION 74, and VICTOR SALVATORE as )  
treasurer; )  
PORTLAND CEMENT ASSOCIATION ) AF# 2021  
INC. PCA PAC, and RICHARD C. )  
CREIGHTON MR. as treasurer; )  
RECREATIONAL FISHING ALLIANCE ) AF# 2023  
PAC, and HUTCHINSON, JIM JR. as )  
treasurer; )  
SUFFOLK COUNTY DETECTIVES ) AF# 2025  
ASSN INC., POLITICAL ACTION )  
COMMITTEE, and WILLIAM RATHJEN, )  
TREASURER as treasurer; )  
UNITED HEALTH SERVICES PAC, INC., ) AF# 2028  
and CHRIS C DOWNING as treasurer; )

**CERTIFICATION**

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby  
certify that on June 01, 2009 the Commission took the following actions on the  
Administrative Fines Final Determination Recommendation for the 30 Day Post-General  
Report (Unauthorized/Authorized Filers) as recommended in the Reports Analysis  
Division's Memorandum dated May 29, 2009, on the following committees:

AF#2026 Decided by a vote of 6-0 to: (1) make a final determination that  
TALLATCHEE CREEK INC. PAC, and CONATSER, ELIZABETH EMBER as  
treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2)  
send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen,  
Walther, and Weintraub voted affirmatively for the decision.

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AF#2020 Decided by a vote of 6-0 to: (1) make a final determination that PLUMBERS LOCAL 519 POLITICAL ACTION COMMITTEE, and PHIL TRUCKS JR as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2029 Decided by a vote of 6-0 to: (1) make a final determination that USAFARMWORKERPAC, and STUART J MITCHELL as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2004 Decided by a vote of 6-0 to: (1) make a final determination that FAMILY-PAC FEDERAL, and D PAUL CAPRIO as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2000 Decided by a vote of 6-0 to: (1) make a final determination that CERNER CORPORATION, and NAUGHTON, MARC as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2014 Decided by a vote of 6-0 to: (1) make a final determination that NATIONAL ORGANIZATION FOR WOMEN PAC, and LYLES^LATIFA^^ as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2030 Decided by a vote of 6-0 to: (1) make a final determination that WEST VIRGINIA REPUBLICAN PARTY, INC., and RIGGALL, MARY V. as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1997 Decided by a vote of 6-0 to: (1) make a final determination that BLOGPAC, and BOWERS, CHRISTOPHER as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1995 Decided by a vote of 6-0 to: (1) make a final determination that COMMITTEE ON POLITICAL ACTION OF THE AMERICAN POSTAL WORKERS

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UNION, AFL-CIO, and TERRY STAPLETON as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2022 Decided by a vote of 6-0 to: (1) make a final determination that PROGRESSIVE VOTERS OF AMERICA, and FIERMONTE, F. PHILIP as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2024 Decided by a vote of 6-0 to: (1) make a final determination that SIERRA PACIFIC EMPLOYEES POLITICAL ACTION COMMITTEE, and VINSKI, JOHN as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2001 Decided by a vote of 6-0 to: (1) make a final determination that DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC, and JESSUP, STEVEN as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2011 Decided by a vote of 6-0 to: (1) make a final determination that METAL LATHERS LOCAL 46 PAC, and ROBERT LEDWITH as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2027 Decided by a vote of 6-0 to: (1) make a final determination that THE 159 GROUP INC, and SAMUEL B KELLETT JR as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2031 Decided by a vote of 6-0 to: (1) make a final determination that WISCONSIN BANKERS ASSOCIATION (WISBANKPAC), and RUFER, DEBORAH MRS. as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1996 Decided by a vote of 6-0 to: (1) make a final determination that AMERICANS AGAINST ILLEGAL IMMIGRATION PAC, and MACKENZIE, SCOTT B as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so

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indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#1998** Decided by a vote of 6-0 to: (1) make a final determination that BORDER HEALTH FEDERAL PAC, and ERNIE PEREZ as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#1999** Decided by a vote of 6-0 to: (1) make a final determination that BUNCOMBE COUNTY REPUBLICAN PARTY, and ALDERFER, DOROTHEA as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2002** Decided by a vote of 6-0 to: (1) make a final determination that DELHAIZE AMERICA, INC. POLITICAL ACTION COMMITTEE, and YOUNG, TEROSS W as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2005** Decided by a vote of 6-0 to: (1) make a final determination that INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE, and MARTIN MASCULLI as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2006** Decided by a vote of 6-0 to: (1) make a final determination that INTERNATIONAL BROTHERHOOD OF PAINTERS AND ALLIED TRADES DISTRICT COUNCIL 21 PAC, and ASHDALE, JOSEPH as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2007** Decided by a vote of 6-0 to: (1) make a final determination that KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC), and JAMES D MCINTIRE as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2009** Decided by a vote of 6-0 to: (1) make a final determination that LOUISIANA REFORM PAC, and SCHMIDT, JOHN C as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter.

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Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2010 Decided by a vote of 6-0 to: (1) make a final determination that MARSHALL AND ILSLEY CORPORATION POLITICAL ACTION COMMITTEE, and DYANA L PAPENFUS as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2012 Decided by a vote of 6-0 to: (1) make a final determination that METROPOLITAN TRANSPORTATION AUTHORITY POLICE BENEVOLENT ASSOCIATION PAC, and RAYMOND GIMMLER as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2013 Decided by a vote of 6-0 to: (1) make a final determination that MONROE COUNTY DEMOCRATIC COMMITTEE, and KEGERREIS, LEIGH as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2015 Decided by a vote of 6-0 to: (1) make a final determination that NEWAYGO COUNTY DEMOCRATIC EXECUTIVE COMMITTEE, and CHARLES D BENHAM as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2016 Decided by a vote of 6-0 to: (1) make a final determination that O'NEILL AND ASSOCIATES PAC, and SUSAN WATSON as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2017 Decided by a vote of 6-0 to: (1) make a final determination that PHILADELPHIA JOINT BOARD UNITED HERE TIPS, and MS MILDRED SALDANA as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2018 Decided by a vote of 6-0 to: (1) make a final determination that PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE, and HURD, EARL F as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so

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indicated; (2) send the appropriate letter. Commissioners Baucly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2019 Decided by a vote of 6-0 to: (1) make a final determination that PLUMBERS AND PIPEFITTERS LOCAL UNION 74, and VICTOR SALVATORE as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2021 Decided by a vote of 6-0 to: (1) make a final determination that PORTLAND CEMENT ASSOCIATION INC. PCA PAC, and RICHARD C. CREIGHTON MR. as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2023 Decided by a vote of 6-0 to: (1) make a final determination that RECREATIONAL FISHING ALLIANCE PAC, and HUTCHINSON, JIM JR. as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2025 Decided by a vote of 6-0 to: (1) make a final determination that SUFFOLK COUNTY DETECTIVES ASSN INC., POLITICAL ACTION COMMITTEE, and WILLIAM RATHJEN, TREASURER as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2028 Decided by a vote of 6-0 to: (1) make a final determination that UNITED HEALTH SERVICES PAC, INC., and CHRIS C DOWNING as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 1, 2009  
Date

Mary W. Dove  
Mary W. Dove  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 9, 2009

Samuel B. Kellett, Jr. as Treasurer  
The 159 Group Inc.  
2515 Brookwood Drive  
Atlanta, GA 30305

C00390179  
AF#: 2027

Dear Mr. Kellett,

On March 31, 2009, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that The 159 Group Inc. and you as treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2008 Post-General Report. By letter dated April 6, 2009, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$130 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. Within 40 days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or your written response within the time permitted. The FEC made a final determination on June 1, 2009 that you as treasurer and The 159 Group Inc. violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$130 in accordance with 11 C.F.R. § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$17,000  
Number of Days Late: 6  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

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**2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Steven T. Walther  
Chairman

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$130 for the 2008 Post-General Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

**Payments by Personal Check**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: The 159 Group Inc.

FEC ID#: C00390179

AF#: 2027

PAYMENT AMOUNT DUE: \$130

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**ELECTRONIC CERTIFICATION AGREEMENT FOR  
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S  
CROSS-SERVICING PROGRAM**

**This Agreement is submitted by:** Federal Election Commission

**Creditor Agency:** Federal Election Commission

**Date of Agreement:** November 18, 2009

**The Creditor Agency agrees that:**

- I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the above-named Creditor Agency ("Agency") to the Financial Management Service ("FMS"), a bureau of the U.S. Department of the Treasury, for collection through the FMS's Cross-Servicing Program (Cross-Servicing);
- II. The Agency will submit debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
- III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person;
- IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746, that to the best of his or her knowledge and belief, the following is true and correct:
  1. **Valid Debts.** The debts are delinquent, valid and legally enforceable in the amounts stated.
  2. **No Bar to Collection.** The debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a debt. The Agency's records do not show that any debtor owing a debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

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3. ***Administrative Offset and Tax Refund Offset.*** If the Agency has established a profile instructing FMS to refer debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such debts will be certifying to the following:
- a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset. .
  - b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
    - i. written notification, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
    - ii. an opportunity to inspect and copy the records of the Agency with respect to the debt;
    - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable; and
    - iv. an opportunity to enter into a written repayment agreement with the Agency
  - c. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.
  - d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

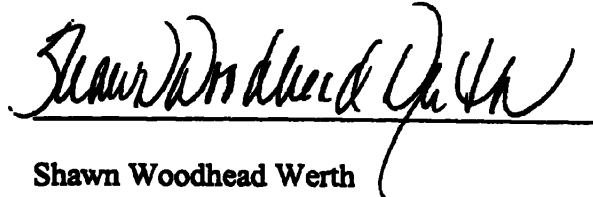
- e. For debts outstanding more than ten years on or before **December 31, 2009**, the notice described in paragraph 3.b. was sent to the debtor after the debt was outstanding for more than ten years, and that the debtor was afforded the rights described in paragraphs 3.b. – 3.d. at that time. This requirement does not apply to any debt that could be collected by offset without regard to any time limitation prior to **December 31, 2009** (e.g., student loans debts, judgments).
- 4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:
  - a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
    - i. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.b., 3.c. and 3.e (if applicable) and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.
- 5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:
  - a. determined that the debts are valid and overdue;
  - b. notified the debtor, more than 60 days prior to the date of the certification:
    - i. that the debt is overdue,
    - ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
    - iii. of the specific information to be disclosed to the consumer reporting agency, and
    - iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to administrative repeal or review of the claim; and

- c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

- d. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

**CERTIFICATION:** Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Shawn Woodhead Werth

Director, Office of Administrative Review

**ATTACHMENT A**  
**TREASURY CROSS-SERVICING PROGRAM**  
**CERTIFICATION TERMINOLOGY**

For purposes of the foregoing Agreement, the following describes how creditor agencies submit debts via Electronic Transmission of computer records to the Cross-Servicing program. (Please note this form is not for use by creditor agencies that submit their debts via manual transmission.):

1. **Electronic Transmission.** Any transmission from creditor agencies to the Cross-Servicing Program via any form of electronic media (including, but not limited to, tapes, diskettes, and on-line access), as more particularly described in Step 7; Electronic Format in the "Cross-servicing Implementation Guide", dated November 1998, as may be amended or updated ("Cross Servicing Guide"), is an Electronic Transmission.
2. **Add Records.** Add Records are electronic records which creditor agencies use to add new debts to Cross-Servicing. Add Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.
3. **Update Records.** Update Records are electronic records that creditor agencies use to update, change or modify information about debts previously transmitted to Cross-Servicing by creditor agencies. Update Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2027

DATE SCANNED 1-11-10

SCANNER NO. 2

SCAN OPERATOR JmU

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